

1 AN ACT relating to criminal justice training.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15A.070 is amended to read as follows:

4 (1) The Department of Criminal Justice Training shall:

5 (a) Establish, supervise, and coordinate training programs and schools for law
6 enforcement personnel, subject to the limitations of KRS 15.440(1)(d) and (e)
7 and 15.560, and any other justice or nonlaw-enforcement-related personnel as
8 prescribed by the secretary; and

9 (b) Promulgate an administrative regulation pursuant to KRS Chapter 13A by
10 September 1, 2022, to establish procedures and participation requirements
11 for basic training and annual in-service course instruction to be offered
12 electronically and online through remote learning. The administrative
13 regulation shall include the following provisions:

14 1. By no later than January 1, 2024, at least ten percent (10%) of the
15 total hours of course instruction required to be completed for basic
16 training under KRS 15.440(1)(d) be made available electronically and
17 online for candidates to complete through remote learning;

18 2. By no later than January 1, 2025, at least thirty percent (30%) of the
19 total course instruction required to be completed by an officer for
20 annual in-service training under KRS 15.440(1)(e) that is offered or
21 sponsored by the Department of Criminal Justice Training be made
22 available electronically and online to complete through remote
23 learning;

24 3. The instruction provided by the Department of Criminal Justice
25 Training under this paragraph shall not be in subject areas that
26 require the demonstration or use of physical skill for the purposes of
27 evaluating the participant's proficiency;

1 4. The course offerings and instruction required to be provided under
2 subparagraph 2. of this paragraph be available throughout the entire
3 calendar year and spread over a reasonable period of time so as not to
4 require attendance or participation for the entirety of a single work
5 week; and

6 5. Any other reasonable procedures and rules to ensure the attendance,
7 active participation, and successful mastery of the subject matters
8 presented in the courses it provides electronically and online through
9 remote learning under this paragraph are established.

10 (2) The Department of Criminal Justice Training shall make a continuing study of law
11 enforcement training standards and upon request may furnish information relating
12 to standards for recruitment, employment, promotion, organization, management,
13 and operation of any law enforcement agency in Kentucky.

14 (3) The Department of Criminal Justice Training shall conduct continuing research on
15 criminal law and criminal justice subjects related to law enforcement training.

16 (4) The Department of Criminal Justice Training may by administrative regulation
17 provide for administrative hearings to be conducted in accordance with KRS
18 Chapter 13B.

19 (5) The commissioner of the Department of Criminal Justice Training may promulgate
20 administrative regulations in accordance with KRS Chapter 13A.

21 (6) (a) Nothing in subsection (1)(b) of this section shall be interpreted to be an
22 independent study as defined in 38 C.F.R. sec. 21.4267.

23 (b) In order to ensure that a qualified trainee shall receive all Post-9/11 GI Bill
24 benefits, or any other similar federal benefits related to military service, to
25 which the trainee is entitled to receive while participating in basic training
26 provided by the Department of Criminal Justice Training pursuant to KRS
27 15.440(1)(d), the following shall apply in the event that the Kentucky

1 Approving Agency for Veterans Education within the Kentucky Community
2 and Technical College System classifies the training provided pursuant to
3 subsection (1)(b) of this section as independent study as defined in 38
4 C.F.R. sec. 21.4267:

5 1. The Kentucky Approving Agency for Veterans Education shall seek a
6 formal opinion of the United States Department of Veterans Affairs
7 regarding its decision to classify the program as independent study;

8 2. If the United States Department of Veterans Affairs will not issue a
9 formal opinion or determines or otherwise agrees that the program
10 qualifies as independent study under federal regulations, the
11 Department of Criminal Justice Training shall make available in-
12 person course instruction to those who receive Post-9/11 GI Bill
13 benefits, or any other similar federal benefits related to military
14 service, as long as this offering meets criteria established under
15 federal laws and regulations, provided that the Department of
16 Criminal Justice Training and Kentucky Approving Agency for
17 Veterans Education seeks a formal opinion of the United States
18 Department of Veterans Affairs regarding any criteria that is relied
19 upon to attempt to disqualify the agency;

20 3. If the Department of Criminal Justice Training cannot provide in-
21 person instruction as provided in subparagraph 2. of this paragraph
22 because of a final determination that the trainee would be disqualified
23 from receiving benefits during his or her participation in the program,
24 the Department of Criminal Justice Training shall cause to be paid to
25 the trainee an amount equal to the benefits the trainee would have
26 received under the Post-9/11 GI Bill benefits or any other similar
27 federal benefits related to military service had the program or

1 instruction not been disqualified. The amount shall be paid to the
2 trainee from the Kentucky Law Enforcement Foundation Program
3 fund under KRS 15.430; and
4 4. In the event that insufficient funds exist in the Kentucky Law
5 Enforcement Foundation Program fund established pursuant to KRS
6 15.430 to meet the obligations provided in subparagraph 3. of this
7 paragraph, the law enforcement agency employing the trainee shall
8 cause to be paid to the trainee an amount equal to the benefits the
9 trainee would have received under the Post-9/11 GI Bill benefits or
10 any other similar federal benefits related to military service had the
11 program or instruction not been disqualified.